



U.S. Department of Justice  
United States Attorney  
Northern District of California  
450 Golden Gate Avenue, Box 36055  
San Francisco, CA 94102-3495  
Telephone Number: 415/436-7200  
Fax Number: 415/436-7234

# FAX

To: GARRICK LEW, ESQ	From: RAWATY YIM, LEGAL ASSISTANT TO SUSAN R. JERICH
Phone: 415-575-3588	Phone: 415-436-7028
Fax: 415-522-1506	Fax: 415-436-7234
Date: July 14, 2006	Page(s): 3 including cover
Re: <u>UNITED STATES vs. CLEMENT CHAN</u>	

## COMMENTS:

Please review, sign page 2, and fax signature page to 415-436-7234, ATTN: RAWATY. Thank you!

---

## CONFIDENTIAL U.S. ATTORNEY FACSIMILE COMMUNICATION

The information contained in this facsimile message, and any and all accompanying documents constitutes confidential information. This information is the property of the U.S. Attorney's Office. If you are not the intended recipient of this information, any disclosure, copying, distribution, or the taking of any action in reliance on this information is strictly prohibited. If you received this message in error, please notify us immediately at the above number to make arrangements for its return to us.

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

2 MARK KROTOSKI (CSBN 138549)  
3 Chief, Criminal Division

4 SUSAN R. JERICH (CSBN 188462)  
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, California 94102  
7 Telephone: (415) 436-7158  
Facsimile: (415) 436-7234  
8 Email: susan.jerich@usdoj.gov

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 CLEMENT CHAN,

17 Defendant.

No.: CR 06-113 PJH

PARTIES' STIPULATION AND  
~~PROPOSED~~ ORDER EXCLUDING  
TIME UNDER SPEEDY TRIAL ACT

18  
19 The parties stipulate and agree, and the Court finds and holds, as follows:

20 1. The parties last appeared before this Court on July 12, 2006 for status.

21 2. Counsel for the defendant indicated that he required additional time to receive and review  
22 the forensic discovery in the matter. The defendant requested an exclusion of time based upon  
23 effective preparation of counsel. The request was granted by the Court and the matter was  
24 continued until August 23, 2006 for change of plea or trial setting.

25 3. The parties move that the time period from July 12, 2006 through August 23, 2006 be  
26 excluded from the calculation of time under the Speedy Trial Act due to effective preparation of  
27 counsel.

28 4. In light of the foregoing facts, the failure to grant the requested exclusion

STIPULATION AND PROPOSED ORDER  
CR 06-113 PJH

would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A), (B)(iv). The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

5. For the reasons stated, the time period from July 12, 2006 through August 23, 2006, shall be excluded from the calculation of time under the Speedy Trial Act.

SO STIPULATED.

DATED: 7/14/06

Respectfully Submitted,

/s/  
SUSAN R. JERICH  
Assistant United States Attorney

DATED: 7/14/06

GARRICK LEW  
Counsel for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 7/24/06

HON. PHYLLIS J. HAMILTON  
Judge, United States District Court

